



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/303,464	04/30/1999	STEVEN J. SISTARE	P3949	8397

7590

03/11/2004

B. NOEL KIVLIN
CONLEY, ROSE & TAYON, P.C.
P.O. BOX 398
AUSTIN, TX 78767

EXAMINER

HO, THE T

ART UNIT	PAPER NUMBER
----------	--------------

2126

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

3

Office Action Summary

Application No.

09/303,464

Applicant(s)

SISTARE ET AL.

Examiner

The Thanh Ho

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 14.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed 2/9/2004.
2. Claims 1-15 have been examined and are pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack antecedent basis:

- (i) "the process" – (line 2 claim 1; line 3 claim 6; line 4 claim 11).

For the purpose of art rejection, it is interpreted as "the at least one process" as best understood and as it appears to be. Correction is required.

- (ii) "the spin daemon" – (line 5 claim 11).

- (iii) "the memory segment" – (line 3 claim 4; lines 3-4 claim 9; lines 3-4 claim 14).

B. The claim language in the following claims is not clearly understood:

- (i) it is unclear whether the two different "a flag monitor request" (lines 3-4 claim 1; lines 3-5 claim 6; lines 5,7 claim 11) are the same thing. For the purpose of art rejection, the second appeared "a flag monitor request" is interpreted as

Art Unit: 2126

"said flag monitor request" as best understood and as it appears to be. Correction is required.

(ii) it is unclear whether "a process module" and "the process" (line 4 claim 11) are the same thing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent Inakoshi not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 6-7 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inakoshi U.S Patent No. 5,933,604.

As to claim 1, Inakoshi teaches a system comprising at least one process (the monitor request process from a user, lines 26-28 column 4) and a spin daemon (the combination of units 1-4 of the monitor system, Fig. 1), the process (the monitor request process from a user, lines 26-28 column 4) transmit a flag monitor request (monitor the state of the resource request from the user, lines 26-28 column 4) to the spin daemon (the combination of units 1-4 of the monitor system, Fig. 1); the spin daemon (the combination of units 1-4 of the monitor system, Fig. 1) receiving (receiving the monitoring request from the user to unit 4, Fig. 1) the flag monitor request (monitor the state of the resource request from the user, lines 26-28 column 4) monitor the flag

(monitors the state, line 26 column 4) and, after the flag changes condition (indicates a change in the state of the resource, line 30 column 4; the source has been updated, line 40 column 4), enable the process to be scheduled for execution by the computer (updated information such as image or text being transferring to the user, lines 31-37 column 4). Inakoshi does not explicitly teaches a process de-schedule itself. However, Inakoshi teaches by sending the monitor request to a monitor system, the user does not have to access the resource by itself, the change in the state of the resource will be automatically noticed to the user by the monitor system (lines 26-35 column 5). Therefore one of ordinary skill in the art would conclude that in this case, the process from the user has been de-schedule itself from accessing the resource by itself, therefore reducing the times of active accessing to minimum.

As to claim 2, Inakoshi as modified further teaches the spin daemon (the combination of units 1-4 of the monitor system, Fig. 1) monitors a plurality of flags (multiple resources 50s, line 37 column 9, Fig. 8), each in response to a flag monitor request (requests from users, line 7 column 2), the spin daemon (the combination of units 1-4 of the monitor system, Fig. 1) maintaining a list identifying those flags it is to monitor (a database contains resources lds and clients' monitoring requests as notification destinations, lines 59-62 column 2), the spin daemon (the combination of units 1-4 of the monitor system, Fig. 1) receives (receiving the monitoring request from the user to unit 4, Fig. 1) a flag monitor request (monitor the state of the resource request from the user, lines 26-28 column 4) and add an identification of a flag

Art Unit: 2126

associated with the request to the list (stores resource identification information and notification destinations, lines 59-62 column 2).

As to claims 6-7, they are method claims of claims 1-2, respectively. Therefore, they are rejected for the same reasons as claims 1-2 above.

As to claims 11-12, they are computer program product claims of claims 1-2, respectively. Therefore, they are rejected for the same reasons as claims 1-2 above.

5. Claims 3-4, 8-9 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inakoshi in view of Conger (Windows API Bible, 1992 publication).

As to claim 3, Inakoshi as modified does not explicitly teach flags contained in a memory segment. Conger teaches memory segment ("segment", page 612 line 10; and the uses of memory segment on pages 612-614). It would have been obvious to apply the teachings of Conger to the system of Inakoshi because this provides the flags of Inakoshi are contained in a memory segment, therefore the memory holding the flags can be deallocated when that process is finished. As the result, the system of Inakoshi will work more efficiently.

As to claim 4, the spin daemon of Inakoshi is not being configured to provide a handle or use of memory segment. The memory segment of Inakoshi as modified by Conger provides an identifier for the memory segment (a far address or NEAR addresses, page 612 lines 17-30). As to the handle, Conger further teaches the use of a handle (HWND hWnd, pages 9 lines 39-56 and page 10 lines 1-17). When a process makes a request, it would have been obvious to provide a handle in Inakoshi's process (a spin daemon) so that the handle can be used to perform the flag monitor request by

Art Unit: 2126

any other processes of Inakoshi's system, and the handles in Conger can trace different types of system resources (Conger, page 9 lines 20-23).

As to claims 8-9, they are method claims of claims 3-4, respectively. Therefore, they are rejected for the same reasons as claims 3-4 above.

As to claims 13-14, they are computer program product claims of claims 3-4, respectively. Therefore, they are rejected for the same reasons as claims 3-4 above.

6. Claims 5, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inakoshi in view of Arthur Dumas (Programming WinSock, 1995 publication).

As to claim 5, Inakoshi does not explicitly teach the spin daemon is configured to communicate over a socket. Arthur teaches WinSock (WINSOCK32.DLL, Fig. 3.1 page 45) as a communication mechanism between processes. It would have been obvious to apply the teachings of Arthur to the system of Inakoshi because this provides a feature in form of upgradeable DLL library for future improvement.

As to claim 10, it is a method claim of claim 5. Therefore, it is rejected for the same reason as claim 5 above.

As to claim 15, it is a computer program product claim of claim 5. Therefore, it is rejected for the same reason as claim 5 above.

Response to Arguments

7. Applicant's arguments filed have been fully considered but are moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further view the previous rejection. The Examiner conducted a further search regarding the issues mentioned in Applicant's response. Therefore, all arguments regarding the cited references of the previous rejection are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is 703-306-5540. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents
P.O Box 1450
Alexandria, VA 22313-1450

Or fax to:

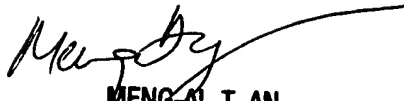
- AFTER-FINAL faxes must be signed and sent to (703) 746 – 7238
- OFFICAL faxes must be signed and sent to (703) 746 – 7239

Art Unit: 2126

- NON OFFICAL faxes should not be signed, please send to (703) 746 – 7240

TTH

February 25, 2004


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100